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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,736	08/07/2001	John Reohr III	7616*1	2127

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EXAMINER

SHAH, KAMINI S

ART UNIT PAPER NUMBER

2142

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,736

Applicant(s)

REOHR, JOHN

Examiner

Kamini S. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 7, 9, 12, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 8, 10, 11, 13 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1,4, 6, 7, 9, 12, 14 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,4, 6, 7, 9, 12, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al 6,298,374 in view of Zhou 5,533,180.

Regarding to claimed invention (claims 1 and 9), Sasaki et al discloses a system for providing real to virtual correspondence such as a *communication management apparatus and recording medium which manages positions in the real world in connection with virtual spaces*, see abstract lines 1-4, the system comprising:

A memory configured to store a plurality of programs, each program corresponding to an entity contained to the real world, such as *virtual world manager apparatus 10* comprises a *communication control means 101*, a *service control means 102*, and a *correspondence management means 103* which stores, as *position correspondence data 106*, *positions in the real world and virtual space names that correspond to these positions relating each other*, see col. 4, lines 57-67; and a processor configured to execute instructions for each program for mimicking actions of corresponding real world

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entities such as *virtual world manager apparatus 10 comprises virtual data management data 105 for storing virtual space data 108* for mimicking action as claimed, see col. 5, lines 5-19. Furthermore, Sasaki et al discloses a processor for passing data and action from one program to another program such as *service control means 102 of the virtual world manager apparatus 10 sends an instruction to the user terminal apparatus 12 to display on a display means 123 an image of a substitute that moved in the virtual world following a movement of the user in the real world*, see col. 5, lines 20-26.

Sasaki et al disclose making movement in the virtual world that corresponds with a movement of a user in the real world but does not specifically disclose the mimicking actions of corresponding real world entities. However, '180 teaches discloses mimicking font switching action which allows the program to act for, or on behalf of, its corresponding real entity. See col. 6, lines 40-68, Zhou

The invention switches between the various real font segments comprising a single virtual Chinese character font by mimicking font switching actions which are normally done manually by the user, while suppressing the displays that the user would see in manually activating them. The result is that the user is unaware that a real font segment change has taken place, while the underlying application has made the appropriate font change. In other words, the invention makes it appear to the application that the user has changed from one real font segment to another, when in fact the change is made automatically and transparently.

It would have been obvious to one of the ordinary skill in the art at the time of invention to combine the mimicking action of the corresponding real world entities as disclosed in Zhou into teaching of Sasaki et al, because mimicking action would help people by being virtualize, and having program counterpart defined and placed into the adapted machine environment of a virtualize network.

Regarding claims 4, 7, 12, and 15, Sasaki et al discloses a processor for executing instructions for matching the plurality of programs with their corresponding real world entities such as the user terminal apparatus 12 comprising a communication control means 121 for controlling transmission of data through the network 1, position detecting apparatus 11 and camera, sending information to the virtual world manager apparatus 10, see col. 5, lines 48-65.

Allowable Subject Matter

4. Claims 2, 3, 5, 8, 10, 11, 13, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The cited prior art does not teach various claimed features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal B. Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamini S Shah
Primary Examiner
Art Unit 2142

kss